IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 8928 of 2007(K)

PETITIONER:

K.V.YOHANNAN,
RETIRED SUB ENGINEER, K.S.E.B.ELECTRICAL SECTION,
RAJAKUMARY, RESIDING AT KUNNARATH HOUSE,
VALARA P.O., ADIMALI.

BY ADV. SRI.ANIL K.NAIR
SRI.B.UNNIKRISHNA KAIMAL
SRI.V.MADHUSUDHANAN
SRI.PRAMJI PAUL VAZHAPPILLY

RESPONDENTS:

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1. THE CHIEF ENGINEER (H.R.M.),
K.S.E.BOARD, THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, K.S.E.BOARD, ADIMALI,
KALLARKUTTY P.O.

BY ADV.SHRI.K.S.ANIL, SC, KSE BOARD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.8928 OF 2007-K.

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Dated this the 26th day of March, 2007.

J U D G M E N T

The petitioner retired from the service of the respondent Board on 31-12-2006. The respondents have not sanctioned the terminal benefits due to the petitioner. It appears that the delay in sanctioning the terminal benefits is due to the pendency of proceedings initiated as per Ext.P1 show cause notice. The petitioner has submitted Ext.P2 explanation denying the allegations against him. He has requested that the proceedings may be completed without delay because the respondents have withheld his terminal benefits.

2. Legal Liaison Officer for the respondent Board submits that two months will be required to complete the proceedings initiated as per Ext.P1.

3. Ext.P1 was issued on 16-11-2005. The petitioner submitted Ext.P2 reply statement on 15-12-2005. He retired on superannuation one year thereafter, namely, on 31-12-2006. It is not understood what action the respondents have taken to complete the proceedings initiated as per Ext.P1 during the last more than one year. The respondents have waited until the petitioner has retired from service. The delay caused in completing Ext.P1 proceedings has prejudicially affected the right of the petitioner to receive the terminal benefits. Delay is fatal to the respondent Board also since it is open to the petitioner to contend that after retirement from service no disciplinary proceedings can be continued for the purpose of imposing penalty on him.

4. Having regard to facts and circumstances, there shall be an order directing the 1st respondent to take final decision pursuant to Exts.P1 and P2 within one month from the date of receipt of a copy of this judgment. Orders shall be passed on the request of the

petitioner for granting terminal benefits to him in accordance with law. This shall be done within one month from the date of finalisation of the proceedings initiated as per Ext.P1.

The petitioner shall produce a copy of this Judgment before the 1st respondent for necessary action.

The Writ petition is disposed of as above.

K.K.DENESAN, JUDGE.

kvs/-